



Austin City Council MINUTES

JULY 13, 1995
1:00 P.M.

Mayor Todd called meeting to order, Councilmember Nofziger temporarily absent.

1. Approval of Minutes for Regular Meeting of June 29, 1995 and June 28, 1995 (Worksession), June 29, 1995 (Executive Session)

Approved with corrections, on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Nofziger temporarily absent.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Gus Pena, to discuss East Austin community issues, summer job youth programs. Revitalize East Austin, encourage major employers, corporations to move to East Austin.
3. Mrs. Carmen Quintero, to discuss children's safety issues in East Austin. Move the soup kitchen to West 2nd Street to day labor site. More funding for PARD summer job programs for the youth.
Not present
4. Mr. Joe Quintero, to request to move the soup kitchen to day labor site on West 2nd Street. Public safety issues in East Austin. More funding for PARD summer job programs for the youth.
5. Mr. Richard R. Troxell, to encourage City Council to adopt and promote a cost effective, comprehensive drug and alcohol detoxification/treatment job training job placement program for homeless adults living on the streets of Austin.
6. Mr. Don Harris, to discuss rental of Austin Convention Center.
Not present
7. Mr. James Perry, to discuss requiring 25,000 signatures in the City to abolish the City Planning Commission and Urban Transportation. We need to ban.
8. Mr. Robert L. Thomas, concerned about the demands from City Council in relation to social planning for the Central City Entertainment Inst. When will City Council force the PARD to hire Blacks for advancement at Rosewood. Discuss unfairness from Council and PARD.
9. Mr. Jeff Friedman, to support baseball, but to obtain answers to questions concerning procedures and financial obligations.
10. Mr. Ricky Bird, to discuss limiting democracy.

11. Mr. Eddie Reeves, to make a presentation.
Not present

ACTION ON CONSENT AGENDA

ORDINANCES

12. Approve changing the street name of the entire length of BRUGE'S LANE to ENCHANTED FOREST DRIVE (from the intersection of Hawkhaven Lane and Bruge's Lane northerly to the end of the right-of-way, approximately 104'). [No fiscal impact. Processing and sign fees to be paid by the requester.]
Ordinance No. 950713-A approved
13. Approve changing the street name of the entire length of HOWARD ROAD to LINGER LANE (from the intersection of Ed Bluestein Blvd. (US Hwy 183), Bolm Road and Howard Road southerly to the end of the right-of-way, approximately 1400'). [Funding in the amount of \$100 will be included in the proposed 1995-96 operating budget of the Public Works Department.]
Ordinance No. 950713-B approved
14. Amend Ordinance No. 940912-D, the 1994-95 operating budget, by decreasing the Budgeted Unreserved Ending Balance of the Austin Cable Access Fund by \$113,000, and increasing expenses by \$113,000 to fund the hiring of a consultant on public access management, purchase access production equipment, and construction of ADA modifications to the central public access facility. (Recommended by Telecommunications Commission)
Ordinance No. 950713-C approved
15. Adopt amendments to Chapter 5-7 of the City Code, the Minority-Owned and Women-Owned Business Enterprise Procurement Program. (No fiscal impact for FY 1994-95). [Recommended by Disparity Study Ordinance Committee]
Ordinance No. 950713-D approved (SEE ATTACHED MOTIONS)
16. Amend Ordinance No. 940912-E, the approved 1994-95 Capital budget for the Library Department, to increase the appropriation for the replacement of deteriorated floor finishes throughout the John Henry Faulk Library, in the amount of \$87,635, for a total amount of \$351,635. (Funding is available from Arkwright Mutual Insurance Company.) **[Related to Item 24]**
Ordinance No. 950713-E approved
17. Amend Ordinance No. 940912-D, the 1994-95 operating budget, amending the Special Revenue Fund of the Health and Human Services Department by appropriating an additional \$46,440 in grant funds from the Texas Department of Human Services, Child Care Management Services (CCMS), for a total grant amount of \$9,490,503.
Ordinance No. 950713-F approved
18. Authorize acceptance of \$1,025 in additional grant funds from the Mental Health Association in Texas for the AmeriCorps Parenting Education Program; amend Ordinance No. 940912-D, the 1994-95 operating budget, amending the Special Revenue Fund of the Health and Human Services Department by appropriating an additional \$1,025 in grant funds, for a total grant amount of \$9,220.

Ordinance No. 950713-G approved

19. Authorize acceptance of \$9,575 in additional grant funds from the Texas Department of Health for Sexually Transmitted Disease Control (STD); amend Ordinance No. 940912-D, the 1994-95 operating budget, amending the Special Revenue Fund of the Health and Human Services Department by appropriating an additional \$9,575 in grant funds, for a total grant amount of \$146,801.

Ordinance No. 950713-H approved

20. Authorize acceptance of \$165,239 in grant funds from the Texas Department of Human Services, Title IV-A At-Risk Child Care Program; amend Ordinance No. 940912-D, the 1994-95 Operating budget, amending the Special Revenue Fund of the Health and Human Services Department by appropriating \$165,239 in grant funds for child care services.

Ordinance No. 950713-I approved

RESOLUTIONS

21. Approve negotiation and execution of a contract with AUSTIN ORAL AND MAXILLOFACIAL SURGERY ASSOCIATES, P.C., Austin, Texas, for the provision of specialized oral surgery services to Medical Assistance Program (MAP) clients of the Health and Human Services Department, in an estimated amount not to exceed \$80,000 with two (2) twelve (12) month extension options in an estimated amount not to exceed \$80,000 per year, for a total estimated amount not to exceed \$240,000. [Funding in the amount of \$20,000 is available in the 1994-95 operating budget of the Health and Human Services Department. Funding for the remaining nine (9) months and the extension options is contingent upon available funding in future budgets.] Sole proposal. No M/WBE Subcontracting opportunities were identified.

Approved

22. Approve execution of a twelve (12) month supply agreement with CLINICAL DIAGNOSTIC SYSTEMS INCORPORATED, Houston, Texas, for the purchase of chemistry analyzer reagents used to obtain accurate test results for the Health and Human Services Department, in an amount not to exceed \$71,100 with five (5) twelve (12) month extension options in an amount not to exceed \$71,100 per extension, for a total amount not to exceed \$426,600. [Funding in the amount of \$11,850 is available in the 1994-95 operating budget of the Health and Human Services Department. Funding for the remaining nine (9) months and the extension options is contingent upon available funding in future budgets.] Sole Source. No M/WBE Subcontracting opportunities were identified.

Approved

Items 12 through 22 approved on Mayor Pro Tem Garcia's motion, Councilmember Nofziger's second, 7-0 vote.

23. Approve the selection of THE BOWER DOWNING PARTNERSHIP, INC., Austin, Texas, for negotiation and execution of a professional services agreement to provide architectural design and construction phase services for the Rebekah Baines Johnson (RBJ) First Floor Renovations, in the amount of \$194,000. (Funding was included in the 1994-95 Capital budget of the Health and Human Services Department.) Best qualification statement of seventeen (17). 10% MBE, 5% WBE

Subconsultant participation.

Postponed one week, on Councilmember Goodman's motion, Councilmember Reynolds' second, 7-0 vote.

24. Approve a construction contract award to HILMAN CONSTRUCTORS, INC., Austin, Texas, for interior improvements in the John Henry Faulk Library located at 800 Guadalupe Street, in the amount of \$696,900. (Funding in the amount of \$75,000 was included in the 1992-93 Capital budget and \$279,000 was included in the 1994-95 Amended Capital budget of the Library Department; \$321,900 was included in the 1994-95 Capital budget of the Environmental Conservation Services Department; \$21,000 was included in the 1994-95 Capital budget of the Public Works Department.) Low bid of four (4). 15.33% MBE, 0% WBE Subcontractor participation. **(Related to Item 16)**

Approved

25. Approve execution of a twelve (12) month supply agreement with SAFETY-KLEEN CORPORATION, Elgin, Illinois, for the rental of washer containers used in the cleaning of automotive parts, and for periodic servicing of the containers, in an amount not to exceed \$231,359.50 with two (2) twelve (12) month extension options in an amount not to exceed \$231,359.50 respectively, for a total amount not to exceed \$694,078.50. [Funding in the amount of \$38,559.92 is available in the 1994-95 operating budget of the Fleet and Radio Maintenance Fund. Funding for the final ten (10) months and the extension options is contingent upon available funding in future budgets.] Single bid. No M/WBE Subcontracting opportunities were identified.

Approved

26. Approve the negotiation and execution of a twelve (12) month contract with ERISA ADMINISTRATIVE SERVICES, INC., (MBE/MA), Austin, Texas, for third party claims administrator services for the City Medical Plan, at an estimated amount of \$1,235,000 with two (2) twelve (12) month extension options in an estimated amount of \$1,235,000 per extension, for a total estimated amount of \$3,705,000. [Funding in the amount of \$926,250 for the first nine (9) months will be included in the 1995-96 Proposed operating budget of the Employee Benefits Fund). Funding for the remaining balance and the extension options is contingent upon available funding in future budgets.] Best proposal of two (2). 2.5% MBE, 1% WBE Subcontractor participation.

Approved

27. Approve execution of a twelve (12) month contract with ORACLE CORPORATION, Redwood Shores, California, to renew maintenance, including license renewal and software updates for database software products currently in use at the Water and Wastewater Utility, in an amount not to exceed \$58,467. (Funding is available in the 1994-95 operating budget of the Water and Wastewater Utility.) Sole Source. No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)

Approved

28. Approve execution of a twelve (12) month service agreement with ATLAS COPCO COMPTEx, INC., Voorheesville, New York, for annual maintenance and inspection of three (3) aeration blowers (provide air to the aeration basins to biologically treat the wastewater in order to produce a desired effluent), at South Austin Regional Wastewater Treatment Plant, in the amount of \$24,600, and for the purchase of equipment parts, in an estimated amount of \$23,000, for a total amount not to exceed \$47,600 with five (5) twelve (12) month option periods in an amount not to exceed \$47,600

per extension, for a total amount not to exceed \$285,600. (Funding is available in the 1994-95 operating budget of the Water and Wastewater Utility. Funding for the extension options is contingent upon available funding in future budgets.) Sole Source. No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)

Approved

Item 24 through 28 approved, on Mayor Pro Tem Garcia's motion, Councilmember Nofziger's second, 7-0 vote.

29. Approve negotiation and execution of a developer agreement to reimburse FMP Operating Company for the construction of certain water system improvements to serve the "Lantana" tract and existing Utility customers. The City's cost participation for oversizing some water mains and City reimbursement for some of the system improvements, amount to approximately \$4,011,500. (The Utility will reimburse FMP Operating Company in three annual payments of \$1,337,167 each from current revenues of the Water Utility in 1996-97, 1997-98, 1998-99. The Utility estimates it will receive additional revenue of approximately \$2.3 million, annually, from the sale of water and wastewater services to "Lantana" tract.) (Reviewed by Water and Wastewater Commission)

Postponed one week, on Councilmember Shea's motion, Mayor Pro Tem Garcia's second, 6-0-1 vote, Councilmember Mitchell abstaining.

30. Approve Change Order No. 7 to GARNEY COMPANIES, INC., Kansas City, Missouri, for adjustments to the South Austin Regional Wastewater Treatment Plant/Jimmy Clay Water Reuse System, in the amount of \$15,017.40, for a total contract amount of \$1,910,857.17. (Funding was included in the 1993-94 Capital budget of the Golf Enterprise Fund of the Parks and Recreation Department.) No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)

Approved

31. Approve Change Order No. 1 to D.L. MEACHAM CONSTRUCTION COMPANY, INC., Houston, Texas, for the Davis Lane 10 Million Gallon Reservoir Coating and Safety Improvements project at the Davis Lane Reservoir and Pump Station site, in the amount of \$52,569.58, for a total contract amount of \$585,123.58. (Funding was included in the 1993-94 Amended Capital budget of the Water and Wastewater Utility.) No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)

Approved

Aviation (Items 32-33)

32. Approve the award of a construction contract to CHEROKEE CONSTRUCTION (MBE/MN), Austin, Texas, for the construction of the South Wastewater Outfall project for the Austin-Bergstrom International Airport, in the amount of \$495,148.50 plus a contingency fund of \$49,515.00 for change orders. (Funding was included in the 1994-95 approved Capital budget of the Aviation Department.) Low responsive bid of six (6). DBE Subcontractor participation 35.47% (35.47% MBE, 0% WBE.) [Recommended by Airport Advisory Board]

Approved

33. Approve the selection of CAMP DRESSER MCKEE, INC., Austin, Texas, and authorize negotiation

and execution of a professional services agreement for preparation of a Phase I Environmental Assessment for Robert Mueller Municipal Airport, in an amount not to exceed \$150,000. (Funding is available in the 1994-95 operating budget of the Aviation Department.) Best proposal of fourteen (14). DBE Subcontractor participation: 35% (20% MBE, 15% WBE) [Recommended by Airport Advisory Board]

Approved

34. Approve Change Order No. 3 to CONSTRUCTORS & ASSOCIATES, Austin, Texas, for interior finish of restrooms and increased pier depths, as part of the new Zaragoza Recreation Center project, in the amount of \$35,222.50, for a total contract amount of \$2,450,498.70. (Funding in the amount of \$1,926.50 was included in the 1994-95 Amended Capital budget of the Parks and Recreation Department; \$33,296 was included in the 1991-92 Approved Capital budget of the Parks and Recreation Department.) 32.35% MBE, 0% WBE Subcontractor participation. (Recommended by Planning Commission and Parks Board)

Approved

ITEMS FROM COUNCIL

35. Amend Ordinance No. 940912-D, the 1994-95 operating budget for the General Fund, by liquidating encumbrances from prior years and increasing the appropriation for one-time Social Services projects in the Health and Human Services Department by \$82,693. (\$19,267 is available from liquidated 1992-93 encumbrances, \$63,426 from liquidated 1993-94 encumbrances.) (Recommended by Community Action Network) [Councilmember Jackie Goodman and Mayor Pro Tem Gus Garcia] **(Related to Item 36)**

Ordinance No. 950713-J approved

36. Approve a resolution amending the City's contract with KPMG Marwick, Austin, Texas, for financial compliance audits, in the amount of \$59,122, for a total contract amount of \$1,107,171.50. (Councilmember Jackie Goodman and Mayor Pro Tem Gus Garcia) [Recommended by Community Action Network] **(Related to Item 35)**

Approved

Items 30-36 approved on Mayor Pro Tem Garcia's motion, Councilmember Nofziger's second, 7-0 vote.

37. Approve a resolution deleting the Commercial Energy, Multi-Family Energy; Multi-Family Water; and Commercial Water Rebate programs and make available additional funds toward upgrading essential city services such as Police, Fire and EMS vehicles, facilities and other public safety needs. (Councilmember Eric Mitchell)

Postponed one week

38. C14-95-0029 - JIM D. LITTLE, 500 E. POWELL LANE. FROM SF-3 TO MF-2. Planning Commission Recommendation: To Grant MF-2-CO, Multifamily Residence (low density)-Conditional Overlay, subject to: (1) dedication of 35 feet of right-of-way from the centerline of East Powell Lane; (2) limit development to a maximum 43 units; (3) inclusion of a 50 foot undisturbed buffer on the north end of the subject tract; (4) clearing for the security fence at a maximum of 2 feet; (5) prohibit access to John Nance Gardner except for emergency vehicles; (6) limit building height to 35 feet; and (7) if

protected trees must be removed, the inch-by-inch replacement be planted on the north end of the subject tract. City Council public hearing held June 1, 1995; motion to grant Planning Commission recommendation failed due to lack of 6 votes per valid petition. The petition presented to City Council at First Reading is now invalid by the withdrawal of opposition to the request. The petition now stands at 17.10%. (Councilmembers Jackie Goodman and Michael "Max" Nofziger)

Ordinance No. 950713-K approved with deletion of condition of #7 on, Mayor Pro Tem Garcia's motion, Councilmember Reynold's second, 6-0- vote, Councilmember Shea temporarily off the dais.

Close hearing on Councilmember Shea's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Reynolds off the dais.

4:00 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES

39. C14-95-0035 - THOMAS & JULIE CAMPBELL/JACK & DORIS MCCOWAN, 801 W. St. Elmo Road. From SF-3 to GO. Planning Commission Recommendation: To Grant LO, Limited Office, zoning subject to limiting development to generate less than 2,000 vehicle trips per day, and dedication of 30 feet of right-of-way from the existing centerline of St. Elmo Road, and prohibit access to Vinson Drive.

Motion made by Councilmember Goodman to deny.

Motion failed for lack of second.

Motion made for Planning Commission recommendation, on Councilmember Shea's motion, Mayor Pro Tem Garcia's second.

Motion withdrawn.

Motion made to postpone for one week, on Councilmember Nofziger's motion, Councilmember Mitchell's second, 6-0 vote, Councilmember Reynolds' off the dais.

40. C14-95-0041 - TEXAS COMMERCE NATIONAL BANK (Joe Griffith), by Bury & Pittman (Greg Strmiska), 5316 W. U.S. Hwy. 290. From SF-2 & DR to IP. Planning Commission Recommendation: To Grant IP-CO, Industrial Park-Conditional Overlay zoning, subject to: (1) dedication of 35 feet of right-of-way from the existing centerline of Boston Lane; (2) limit development to generate less than 2,000 vehicle trips per day or an approved T.I.A.; (3) maximum height of 40 feet; and (4) prohibit the following uses - Automotive Rentals, Automotive Sales, Automotive Repair Services, Construction Sales and Service, Convenience Storage, Off-site Accessory Parking, Outdoor Entertainment, Outdoor Sports and Recreation, Restaurant (drive-in, fast food), Restaurant (limited), Restaurant (general), Service Station, Vehicle Storage, and Railroad Facilities. Further subject to: (1) Comprehensive Watershed Ordinance and 941205-A; (2) xeriscape landscaping; and (3) an Integrated Pest Management Program.

Applicants first request to postponed to July 20, 1995, on Mayor Pro Tem Garcia's motion, Councilmember Reynold's second, 6-0 vote, Councilmember Shea temporarily off the dais.

41. C14-95-0056 - CAPITAL COMMERCIAL INVESTMENT (Doug P. Agarwal), by Minter, Joseph & Thornhill (Kenneth W. Brown), 6012 Southwest Parkway. From LR & LO to MF-2. Planning

Commission Recommendation: To Grant MF-2-CO, Multifamily Residence (low density)-Conditional Overlay for Tract 1 and RR, Rural Residence for Tract 2, subject to: (1) dedication of 35 feet of right-of-way from the existing centerline of Foster Ranch Road; (2) limit development to generate less than 2,000 vehicle trips per day for the site; and (3) prohibit access to Foster Ranch Road until the road is upgraded to a collector street (with 40' of pavement) to the north property line of this site.

Close hearing on Councilmember Shea's motion, Mayor Pro Tem Garcia's second, 7-0 vote.

Approved on first reading with Councilmember Goodman's friendly amendment subject to the additional, following conditions: 1) Limit to a maximum of 220 units; 2) compliance with integrated pest management and xeriscaping; 3) use of greenbuilder management practices; and the City's pursuit of legal remedies for non performance of the water quality measures.

Friendly amendment accepted in motion, on Councilmember Mitchell's motion to approve staff's alternate recommendation, Tem Garcia's second, 7-0 vote.

42. C14-95-0070 - DAVIS SPRING PROPERTIES LTD. (Perry O. Blanton), by Huffcut & Associates (Gina E. Diehl), Spectrum Drive and W. Parmer Lane. From R&D to IP. Planning Commission Recommendation: To Grant IP-PDA, Industrial Park Planned Development Area, zoning, subject to limiting development intensity to a level that will generate less than 2,000 vehicle trips per day, and the following use and site development restrictions: Site Development Standards: A maximum height of 45 feet; Maximum Building Setbacks: 100 feet for the front yard, 100 feet for street side yard, interior and rear yard setbacks will be based on the adjoining zoning districts; a maximum building cover of 40%, maximum impervious cover of 65% and maximum floor-to-area ratio of .50. Prohibited uses are: agricultural sales and services, automotive rentals, automotive repair services, automotive sales, automotive sales and services, construction sales and services, convenience storage, extermination services, general warehousing and distribution, food sales, medical office, and railroad facilities. The property will also be subject to the Planned Development Area Performance Standards as set forth in Sec. 13-2-269 of the Land Development Code. Ordinance No. 950629-L approved, on Mayor Pro Tem Garcia's motion, Councilmember Reynold's second, 6-0 vote, Councilmember Shea temporarily off the dais.

TO BE HEARD BY THE PLANNING COMMISSION ON JULY 11, 1995; RECOMMENDATION TO FOLLOW

43. C14-80-133 - RPC INVESTMENTS INC. & NATURE CONSERVANCY, by The Liverman Company (Robert J. Liverman), 2201 Grove Boulevard. Request for restrictive covenant amendment.

Close hearing on Councilmember Shea's motion, Mayor Pro Tem Garcia's second, 7-0 vote.

Approved on Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 7-0 vote.

PUBLIC HEARING AND APPROVAL OF ORDINANCES/RESOLUTIONS

- 44 5:00 P.M. - Public hearing on Draft Policy Budget.

Speaker cards on file in City Clerk's Office.

45. 5:30 p.m. - Public hearing on the Encampment Ordinance.

Motion to postpone for one week to July 20, 1995 at 5:00 p.m., on Councilmember Reynolds' motion, Mayor Pro Tem Garcia's second, 7-0 vote.

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive session held on the morning of this day on all other items.

The City Council will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation and personnel matters as specifically listed on this agenda. The City Council may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

Advice of Counsel - Section 551.071

46. Discuss possible amendments to Chapter 5-7 of the City Code.

Pending/Contemplated Litigation - Section 551.071

47. Discuss Jerold Hill v. City of Austin, et al., Civil Action No. A-95-CV-264 SS.

Real Estate Acquisition - Section 551.072

48. Discuss participation in real property acquisition of the U.S. 183 project.

ACTION ON THE FOLLOWING

49. Authorize City of Austin participation with the State of Texas in real property acquisition of the U.S. 183 project. **\$76,000**

Approved, on Mayor Pro Tem Garcia's motion, Councilmember Nofziger's second, 6-0-1 vote, Councilmember Reynolds' abstaining.

50. Approve settlement of Jerold Hill v. City of Austin, et al., Civil Action No. A-95-CV-264 SS.

Approved on Mayor Pro Tem Garcia's motion, Councilmember Nofziger's second, 7-0 vote.

51. APPOINTMENTS

ECONOMIC DEVELOPMENT COMMISSION - NANCY MOLLEDA

ELECTRICAL BOARD - GORDON BYRAM

ELECTRIC UTILITY COMMISSION - CAROLINE LEGETTE

ENVIRONMENTAL BOARD - CRAIG SMITH, JESSICA CHRISTIE, MARY ARNOLD, FRED BLOOD

FIREMEN'S AND POLICEMEN'S CIVIL SERVICE COMMISSION - JIMMY MORENO

PLANNING COMMISSION - CATHY VASQUEZ-REVILLA, DAVE SULLIVAN, MIKE RIVERA, JEAN MATHER

ROBERT MUELLER RE-USE - KEVIN FLEMING

TELECOMMUNICATIONS COMMISSION - BARBARA FOREMAN, RUDY COLMENERO, BRIAN GODINEZ, STUART HEADY

Approved on Mayor Pro Tem Garcia's motion, Councilmember Nofziger's second, 7-0 vote.

ADJOURN at 9:00 p.m., on Councilmember Shea's motion, Councilmember Reynolds' second, 7-0 vote.

Approved on this the 20th day of July, 1995, with corrections on the following items: item 23, 7-0 vote, item 36, \$1,107,171.50, item 38, 6-0 vote, Reynolds did not abstain, item 41, Mitchell moved to approve staff's alternate recommendation, with Councilmember Goodman's friendly amendment: maximum limit of 220 units and the City's pursuit of legal remedies for non performance of the water quality measures, and item 43, 7-0 vote, on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 4-0 vote, Councilmembers Mitchell, Nofziger and Reynolds temporarily absent.